UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED BY [signature] D.C.
AUG 26 2022
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

CASE NO. 22-MJ-8332-BER

IN RE SEALED SEARCH WARRANT FILED UNDER SEAL

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MOTION TO SEAL NOTICE OF FILING OF REDACTED MEMORANDUM

The United States of America moves the Court to place under seal, until further order of the Court, the Notice of Filing of Redacted Memorandum, and the attachment to that notice, filed on August 26, 2022. In support of the Motion, the government states:

1. Courts have inherent power to control access to papers filed with the courts. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978). Courts have traditionally been "highly deferential to the government's determination that a given investigation requires secrecy and that warrant materials be kept under seal." *Times Mirror Co. v. United States*, 873 F.2d 1210 (9th Cir. 1989). Therefore, courts have routinely granted government requests to seal warrant materials where there is a need for secrecy. *See Washington Post v. Robinson*, 935 F.2d 282, 289 (D.C. Cir. 1991).

2. The Notice contains a redacted version of the *ex parte* memorandum that this Court ordered the government to submit on August 18, 2022, *see* (DE80), and which the Court permitted the government to file under seal on August 25, 2022, *see* (DE88; DE89). Because the unredacted original version of the memorandum is subject to the Court's earlier sealing order, the government respectfully requests that the Court seal the Notice of Filing

of Redacted Memorandum and the accompanying attachment, pending further order of the Court.

3. In the interest of transparency, as well as the principle that limitations on public access to judicial proceedings should be "narrowly tailored," *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607 (1982), the government will move at the appropriate time to unseal this notice and the redacted version of its *Ex Parte* Memorandum.

CONCLUSION

WHEREFORE, for these reasons, the United States of America respectfully requests that the Court issue an Order sealing the Notice of Filing of Redacted Memorandum and its accompanying attachment.

Dated: August 26, 2022

Respectfully submitted,

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